

MESSAGE NO: 3316305 MESSAGE DATE: 11/12/2013

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 9028207, 0267305, 3186305
MESSAGE #
(s):

CASE #(s): A-423-808

EFFECTIVE DATE: 05/29/2013 COURT CASE #: 2011-1578, 08-00434

PERIOD OF REVIEW: 05/01/2009 TO 04/30/2010

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for stainless steel plate in coils from Belgium for the period 05/01/2009 through 04/30/2010 (A-423-808)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 5 below.

1. On 03/26/2013, the United States Court of International Trade, acting in accordance with a decision of the United States Court of Appeals for the Federal Circuit in court no. 2011-1578 dated 09/07/2012, issued a final decision in the case of ArcelorMittal Stainless Belgium N.V. v. United States (court no. 08-00434), sustaining the final scope redetermination of the Department of Commerce (Commerce) finding that stainless steel plate in coils (SSPC) with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, is not subject to the antidumping and countervailing duty orders on SSPC from Belgium.
 2. As a result of this final court decision, the injunction, as amended, to which message numbers 9028207 (dated 01/28/2009) and 0267305 (dated 09/24/2010) refer enjoining liquidation of certain entries of SSPC from Belgium which contain merchandise that (1) is 4.75 mm or more in nominal thickness, but which has an actual thickness of less than 4.75 mm, and within the dimensional tolerances specified under ASTM standard A480/A480M, (2) was produced and exported by Ugine & ALZ Belgium N.V., any of its predecessors-in-interest and/or any of its successors-in-interest, as determined by Commerce, including ArcelorMittal Stainless Belgium N.V., and (3) is otherwise subject to the antidumping and countervailing duty orders on SSPC from Belgium, dissolved on 05/29/2013.
 3. In accordance with the final court decision, entries of SSPC with an actual thickness of less than 4.75 mm, regardless of its nominal thickness, are not subject to the antidumping duty orders on SSPC from Belgium. Liquidation instructions for this merchandise were issued in message number 3186305 (dated 07/05/2013).
 4. Commerce has rescinded the administrative review of the antidumping duty order on stainless steel plate in coils from Belgium (A-423-808) covering the period 05/01/2009 through 04/30/2010 for the firm listed below (75 FR 64709, 10/20/2010). You are to assess antidumping duties on
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merchandise with an actual thickness of 4.75 mm or above, regardless of nominal thickness, entered, or withdrawn from warehouse, for consumption during the period 05/01/2009 through 04/30/2010 at the cash deposit or bonding rate required at the time of entry.

Liquidate all entries for the following firm:

ArcelorMittal Stainless Belgium N.V. ("AMS Belgium")

Case numbers: A-423-808-001, A-423-808-002

5. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 4. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of steel plate in coils from Belgium you shall continue to collect cash deposits of estimated antidumping duties for the merchandise at the current rates.

6. There are no injunctions applicable to the entries covered by this instruction.

7. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

8. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping and/or countervailing duties, CBP shall double the antidumping and/or increase the antidumping duty by the amount of the countervailing duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O3:GM).

10. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party